

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

September 3, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, September 3, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Linda F. Wyatt and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and C. Nelson Harris-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Wyatt and Mayor Smith--5.

NAYS: None-----0.

(Council Members Dowe and Harris were absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Wyatt and Mayor Smith---5.

NAYS: None-----0.

(Council Members Dowe and Harris were absent.)

At 12:20 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a joint meeting of Council with Congressman Bob Goodlatte.

A joint meeting of the Members of Roanoke City Council and Congressman Bob Goodlatte was called to order on Tuesday, September 3, 2002, at 12:25 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith presiding.

COUNCIL MEMBERS PRESENT: William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; and Mary F. Parker, City Clerk.

OTHERS PRESENT: Peter Larkin, Congressman Goodlatte's District Director; and Thomas A. Dick, City of Roanoke Legislative Liaison.

The Mayor welcomed Congressman Goodlatte, Mr. Larkin and Mr. Dick to the meeting and advised that immediately following lunch, the business session would convene.

The invocation was delivered by Vice-Mayor C. Nelson Harris.

Following lunch, the business session convened at 12:45 p.m.

LEGISLATION-COUNCIL: Congressman Goodlatte expressed appreciation for the work of City Council and advised that local government serves on the front lines of politics and should be commended for its work. He stated that he was pleased to assist with and announce the award of \$2 million by the United States Department of Transportation for the Roanoke Regional Airport to enhance airport security; however, work needs to be done regarding implementation of more realistic and practical airport security measures by the Department of Transportation. He explained that all persons using air service should feel safe; however, the rule prohibiting parking within 300 feet of the airport created a major expense for airports while it lasted. He stated that he continues to monitor the progress on I-81 and I-73, and expressed an interest in the public/private partnerships that have been promoted for I-81 which have considerable promise in terms of raising additional revenue to build the roadway more quickly. However, he added that he has expressed a concern to the Governor that if the State places tolls on trucks in a manner that is too high, a situation could result where businesses will be discouraged from locating in the Roanoke and Shenandoah Valleys. He referred to the importance of maintaining a balance in order to be competitive with other major transportation corridors in the western area of the State, and added that he was not opposed to the concept, but to the manner in which the tolls will be implemented. He expressed an interest in improving rail transportation along the I-81 corridor up the Shenandoah Valley and down into far southwest Virginia, and advised that the I-81 corridor is woefully behind most other major transportation corridors in the country in terms of the percentage of goods transported by rail (six per cent by rail compared to 94 per cent by trucks, and approximately 13,000 trucks per day go through the weighing station in Daleville). He stated that many other corridors are much higher with 25 - 50 per cent of freight being moved by rail; and Norfolk Southern estimates that as much as 25 per cent of the trucks on I-81 could be diverted to rail if a faster system existed. He explained that the rail line for most of the Shenandoah Valley consists of one track that was built in the 19th century which does not compete with trucks, and also means that passenger rail service is problematic. He called attention to efforts, along with Congressman Rick Boucher,

in support of legislation that provides for involvement by Amtrak in the TransDominion Express and will ultimately result in Amtrak providing the rolling stock, but an operating subsidy will be required by the State given the current situation with Amtrak. He also called attention to efforts to identify funding sources for restoration of the Roanoke Passenger Rail Station, and an appropriations request for operating funds this year and for capital funds next year for the City of Roanoke's new art museum. He stated that he has been working closely with the U. S. Army Corps of Engineers with regard to the route of the Roanoke River Flood Reduction Project, in order to review those problems on the second portion of the greenway from Wasena Park west to the Salem City limits; and while it is commendable that the initial plan of the Corps of Engineers includes the greenway for five miles from Wasena Park to the Roanoke County line, and comes very close to the Blue Ridge Parkway and to Explore Park, it is not an ideal situation unless the greenway extends across the entire City of Roanoke to link up with the City of Salem's greenway system. He called attention to the need to obtain reauthorization for increased costs which is not anticipated to be a problem, although the revised numbers have not been received from the Corps of Engineers, and following that action, an announcement could be made that additional Federal dollars could potentially be awarded to address those two to three difficult spots along the western portion of the Roanoke River. He referred to the exciting work of the City of Roanoke Redevelopment and Housing Authority with regard to downtown apartments and the Lincoln Terrace development which is nearing completion and represents a remarkable transformation of the area. He spoke in support of screen doors for Lincoln Terrace residents, and advised that he has corresponded with the Executive Director of the Roanoke Redevelopment and Housing Authority to express his concerns.

Council Member Cutler inquired about the status of certain Environmental Protection Agency grants; whereupon, Congressman Goodlatte advised that he would obtain additional information and respond at a later date.

Council Member Bestpitch advised that there is a need to overcome the mentality that Amtrak should be paying for itself which will not happen, and although he did not have specific suggestions, it would be hoped that something could be done to encourage persons to think about Amtrak in a different way. Congressman Goodlatte responded that every form of transportation is subsidized; there are certain unique problems with the railroad and both air transportation and highway transportation are subsidized through direct payment by users in the form of a gas tax for highways and a ticket tax for airline passengers; and if fuel or tickets purchased by Amtrak customers were taxed, the cost of riding the rails would increase. He referred to costs incurred on some of the current Amtrak routes and

referenced the line that extends from Orlando, Florida, to Los Angeles, California, which is subsidized at \$350.00 per passenger. He stated that the current system is not working as it should and whether it should be reformulated into some other type of entity is under consideration. In summary, he stated that subsidies for rail service cannot be eliminated, however, the amount of subsidy is the issue.

Council Member Wyatt expressed appreciation for Congressman Goodlatte's efforts in regard to telecommunications in Southwest Virginia. Congressman Goodlatte responded that he encouraged the previous President and the current President to formulate more of a national policy for the deployment of high speed Internet access which is vitally important for the future. He stated that he, along with Congressman Rick Boucher, have supported such legislation, but have been unsuccessful in persuading the President to focus on the topic, and they have further suggested that the President stress the importance of broadband in his State of Union Address. He added that the major telephone companies have not moved into this market, their rationale being that they have limited resources which are placed in those areas that are the most de-regulated and in those areas with the largest population; however, critics say that the telephone companies are holding officials hostage in order to get the law changed to make it more profitable for them.

Council Member Dowe inquired about future funding to sustain regional airport status; whereupon, Congressman Goodlatte expressed disappointment that the City of Roanoke was not awarded a grant to upgrade air service, and if the program continues, Roanoke should reapply. He explained that \$20 million is available for 40 airports, with no more than four airports in any one state in the United States to receive funding, and the City of Lynchburg was the only locality in the Sixth District that received funding.

The City Manager expressed appreciation to Congressman Goodlatte for his support of greenways in the Roanoke area. She called attention to the need to ensure that Congress reauthorizes funding for air service for next year, and requested the support of Congressman Goodlatte. She explained that airport applications were evaluated based on those communities that were hardest hit by the September 11, 2001 aftermath and clearly, the City of Lynchburg airport was more severely affected than the Roanoke Regional Airport. She stated that Roanoke's survival from an economic development standpoint is predicated on improved air service, the City of Roanoke is working diligently in that regard and has begun the process of involvement by the business community.

The City Manager advised that the City of Roanoke understands that its future, in many respects, is tied to the development of Virginia Tech as a major research university, and Virginia Tech officials have repeatedly stressed the importance of

passenger rail service. She pointed out that the 150th anniversary of rail in the Roanoke Valley will be observed on November 1, 2002, with celebratory events to be conducted throughout the City of Roanoke, and alluded to the possibility of funding associated with the significance of the event and other types of things that might provide funding for the O. Winston Link Museum and Passenger Rail Station.

Vice-Mayor Harris commended Congressman Goodlatte on the caliber of his staff and the service they render to the citizens of the City of Roanoke.

Council Member Carder commended the involvement of Mrs. Goodlatte, a local attorney, in the Roanoke community.

Council Member Cutler inquired if the Department of Homeland Security has implemented a grant program to assist with local government public safety programs; whereupon, Congressman Goodlatte advised that the Federal Emergency Management Agency (FEMA) has issued grants, and the City of Salem received \$120,000.00 to purchase new equipment. The City Manager advised that the City of Roanoke has applied for a \$600,000.00 grant and is currently waiting for a response from FEMA.

There being no further business, the Mayor declared the meeting in recess at 1:20 p.m., to be reconvened at 2:00 p.m., in the City Council Chamber.

(At 1:25 p.m., Council convened in Closed Session in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.)

At 2:00 p.m., on Tuesday, September 3, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfrerd T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Maurice D. Diggs, Worship Ministries Pastor, Parkway Wesleyan Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor presented a Proclamation declaring September 12-14, 2002, as United Way - Days of Caring.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, November 6, 2000; 2002-03 Fiscal Year Budget Study Sessions of Council held on Thursday, May 9, 2002 and Friday, May 10, 2002; and the regular meeting of Council held on Monday, July 15, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Harris moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-ROANOKE ARTS COMMISSION: A communication from Will Trinkle tendering his resignation as a member of the Roanoke Arts Commission, effective immediately, was before Council.

Mr. Harris moved that Council accept the resignation and that the communication be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-YOUTH-TRANSPORTATION SAFETY-SCHOOLS: The following reports of qualification were before Council:

Cheryl D. Evans as a member of the Youth Services Citizen Board, for a term ending May 31, 2003;

Anne F. Harmon as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004; and

Barry W. Baird as a member of the Virginia Western Community College, Board of Directors, for a term ending June 30, 2006.

Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

OATHS OF OFFICE: The Mayor advised that there is a vacancy on the Roanoke City School Board created by the resignation of William E. Skeen, for a term ending June 30, 2005. He further advised that the following persons applied for the position:

**Edna Crabbere
David M. Dabay
John W. Elliott, Jr.
Lewis P. Grogan
William H. Lindsey
Michael W. Ridenhour**

Mr. Harris placed in nomination the names of Edna Crabbere, David M. Dabay, John W. Elliott, Jr., Lewis P. Grogan, William H. Lindsey and Michael W. Ridenhour.

There being no further nominations, William H. Lindsey was appointed as a Trustee of the Roanoke City School Board, to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005, by the following vote:

FOR MR. LINDSEY: Council Members Harris, Wyatt, Bestpitch, Carder,
Cutler and Dowe-----6.

FOR MS. CRABBERE: None-----0.

FOR MR. ELLIOTT: None-----0.

FOR MR. GROGAN: None-----0.

FOR MR. RIDENHOUR: Mayor Smith-----1.

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

BUILDINGS/BUILDING DEPARTMENT-BONDS/BOND ISSUES-Y.M.C.A.-INDUSTRIES: A communication from Alton F. Knighton, Jr., Attorney, representing the Industrial Development Authority of Craig County, requesting adoption of a measure approving issuance of bonds by the Industrial Development Authority of Craig County, Virginia, for the benefit of the YMCA of Roanoke Valley, Inc., in the amount of \$9.8 million to construct, renovate and equip two facilities, respectively, to be located in the City of Roanoke and in the City of Salem, was before the body.

Mr. Dowe offered the following resolution:

(#36049-090302) A RESOLUTION approving a financing by the Industrial Development Authority of Craig County for the benefit of YMCA OF ROANOKE VALLEY, INC., to the extent required by Section 147 (f) of the Internal Revenue Code of 1986, as amended, and concurring with the inducement resolution of said Authority with respect thereto.

(For full text of Resolution, see Resolution Book No. 66, page 370.)

Mr. Dowe moved the adoption of Resolution No. 36049-090302. The motion was seconded by Mr. Carder.

Council Member Bestpitch inquired if he is required to abstain from voting since his spouse is employed by the YMCA of Roanoke Valley Inc.; whereupon, inasmuch as no City funds are involved, the City Attorney advised that Mr. Bestpitch would not be required to abstain from voting.

Resolution No. 36049-090302 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

CAPITAL IMPROVEMENTS PROGRAM-ROANOKE ARTS COMMISSION-ART ACQUISITION-SCHOOLS: The City Manager submitted a communication advising that Council adopted guidelines for a Percent for Art Program on August 19, 1996, pursuant to Resolution No. 33077-081996; Council engaged in recent discussions regarding the guidelines at a Financial Planning Session on March 9, 2002, and a planning workshop on April 29, 2002; and following discussions, City staff was directed to amend the guidelines to accommodate the following directions from Council:

Public art acquired through the Program does not have to be related to a specific capital project, even though new capital projects eligible for inclusion in the Program will be used as a basis for determining the Program's budget.

A comprehensive, detailed plan for enhancing public art should be developed based on the Program budget and presented to Council for approval.

Note: The revised guidelines suggest that this Plan should be developed by the Roanoke Arts Commission, eliminating the need for a separate Roanoke Percent for Art Committee.

Program funds should not be spent on art projects that may not be in the overall best interest of the City.

It was further advised that City staff developed and reviewed the proposed new guidelines with Mark C. McConnel, Chair, Roanoke Arts Commission, and Dr. E. Wayne Harris, Superintendent, Roanoke City Public Schools, and Dr. Harris indicated that the Roanoke City Schools would like to participate in the Percent for Art Program, and asked that the program be designed so that City Council and the School Board would jointly review and approve the design and acquisition of artwork for public buildings.

It was explained that revised program guidelines do not incorporate changes suggested by Mr. McConnel or Dr. Harris at this time, but can be amended to reflect the wishes of Council; and as reported to Council at its March Financial Planning Session, the cost to begin implementation of the program is \$192,701.00, based on one per cent of construction cost for eligible capital projects in the Capital Improvements Program.

The City Manager recommended that Council adopt a resolution approving revised guidelines for the Percent for Art Program; the Roanoke Arts Commission will then develop and recommend to the City Manager, by December 31, 2002, a comprehensive plan for enhancing public art based on a budget of \$192,701.00; and the Plan will be reviewed, modified as necessary, and recommended to Council, along with a funding recommendation.

Mr. Dowe offered the following resolution.

“A RESOLUTION endorsing a Percent-for-Art Program, and repealing Resolution No. 33077-081996, adopted on August 19, 1996, which adopted certain guidelines for the Percent-for-Art Program; and adopting new guidelines for the Program.”

Mr. Dowe moved the adoption of the resolution. The motion was seconded by Mr. Carder.

Mark C. McConnel, Chair, Roanoke Arts Commission, advised that the Arts Commission applauds Council for its proactive stance regarding economic development and quality of life for City residents in directing City staff to revise the Per cent for Art Program guidelines and funding mechanism. He stated that the Arts

Commission would like to offer amendments to the guidelines offered by City staff, which amendments serve to clarify the intent and procedures of the guidelines and bring them more completely into compliance with the intent of staff as expressed in a letter to Council from the City Manager dated September 3, 2002, and the desires of Council as noted in the minutes of Council work sessions conducted in March and April. He advised that the proposed amendments by the Arts Commission have been included in the body of the guidelines prepared by City staff and are clearly identified through underlining and strikethrough. He explained that the Comprehensive Public Arts Plan required by Council in the new guidelines is currently in its formative stages and was identified by the Arts Commission as a high priority goal at its recent planning session. He stated that citizens should be pleased that the intent of the Arts Commission and the direction it receives from Council are complementary and together work for the greater benefit of the City of Roanoke.

(See proposed revisions by the Roanoke Arts Commission on file in the City Clerk's Office.)

The City Manager was requested to respond to the remarks of Mr. McConnell; whereupon, she advised that City staff was mindful of the direction that was provided by Council during its Financial Planning Session in which Council Members indicated that it was not believed that the current guidelines express the true intent of the Council. She stated that certain changes were made to the City's draft guidelines as attached to the City Manager's communication; City staff does not oppose several of the changes suggested by the Arts Commission, but other changes may require discussion by Council as to whether Council wants permissive language or a requirement that certain things will happen as a part of the guidelines. She advised that her understanding, based on a previous discussion by Council, was that Council wishes to make decisions as to when and when not to involve the Arts Commission throughout the process, and City staff will be pleased to make revisions to the guidelines as deemed appropriate by Council.

Council Member Cutler, Council's liaison to the Roanoke Arts Commission, advised that Council has received two different versions of the guidelines, and recommendations submitted by the Arts Commission are too numerous for Council to review at this time. Therefore, he offered a substitute motion that the proposed guidelines be referred back to the City Manager for further refinement and, as Council's liaison to the Roanoke Arts Commission, he volunteered to serve as coordinator for input by the Members of Council. The substitute motion was seconded by Mr. Dowe.

Council Member Harris advised that if faced with the decision today of choosing between the proposed revisions by the City Manager, or the proposed revisions by the Roanoke Arts Commission, he would favor the City Manager's proposed revisions for the reason that Council Members have the most interaction with the City administration and holds staff accountable through the City Manager. He explained that the City Manager is the appropriate conduit for Council to act through, whether it pertains to public art, or to any other matter affecting the business of the City and/or City Council.

Council Member Bestpitch advised that it is hoped, in referring the guidelines back to the City Manager, that there can be some refining and compromise that will satisfy the concerns of all parties. He referred to use of the words "may" and "will" monitor, advising that the action verb is "monitor", therefore, the concern is not clear. He stated that he might take some exception in the recommended amendment by the Arts Commission at replacement of the word "design" with "procurement" and noted that it should be both, "design and procurement", but ultimately City Council is charged with the responsibility for final approval authorization on both procurement and design. He added that it is not clear as to what is meant by the original language that City staff will review upcoming capital improvements projects each year and select one or more projects considered to be eligible for inclusion; and he was of the impression that the purpose of Council's resolution was to indicate which projects would be eligible for inclusion in the future, so there should not be an action by staff to decide each year what should or should not be considered for inclusion. He added that if the capital improvements program is submitted to Council each year, Council has the opportunity to decide if it wants to exclude certain projects and make the annual decision in terms of appropriation of funds.

Council Member Wyatt advised that the Roanoke Arts Commission performs a valuable task; however, its responsibilities are advisory to the Council and the buck stops with City Council. She called attention to certain financial implications in the guidelines, therefore, it is important that Council, through City staff, play a role in decision making.

Without objection by Council, the Mayor advised that the proposed guidelines would be referred back to the City Manager for further refinement.

BUILDINGS/BUILDING DEPARTMENT-BUDGET-PUBLIC WORKS-SCHOOLS:
The City Manager submitted a communication advising that the School Transportation Facility, now located on Courtland Avenue adjacent to the Public Works Service Center, needs to be relocated to accommodate construction of the

new stadium/amphitheater; the 27 year old facility will be replaced with a new facility of like construction; and several options have been explored by City staff in cooperation with School system officials, including relocation of various City operations to allow location of the facility on the current Public Works Service Center site.

It was further advised that the option determined to be the best solution by City staff and School officials is relocation of the facility to a City-owned site on Barns Avenue adjacent to the Roanoke Regional Airport; and school officials believe that the site will offer the following benefits:

Allows for construction of an efficient transportation facility without access or parking constraints;

Provides quick access to I-581 and allows the Schools to maintain the current bus routing system with little or no increase in travel time;

Reduces bus delays caused by traffic congestion;

Offers a future opportunity to relocate the school system's facility maintenance operations from Reserve Avenue that will be affected by the Roanoke River Flood Reduction Project; and

Allows for potential future consolidation of the school system's transportation, facility maintenance, warehousing, and food service operations at one location, resulting in future operational savings.

It was noted that costs of relocating the School Transportation facility to either the Barns Avenue site, or the Public Works Service Center site, are essentially the same.

It was explained that the project is estimated to cost \$1,226,970.00 and will be a "design to budget" project to mitigate the possibility of cost overruns; school officials will engage an architectural firm of their choosing to design the project, but City Engineering Division staff will be responsible for overall project management to ensure that the project is constructed in time to allow relocation of the current facility no later than spring break 2003; and school officials have agreed to contribute \$226,970.00 to fund the project, with the City funding the remaining \$1,000,000.00 in project cost.

The City Manager recommended that Council appropriate \$1,000,000.00 from the following source to a new capital project account to be created by the Director of Finance entitled, "School Transportation Facility":

\$1,000,000.00

(Note: This one-time funding is available due to the administrative hold placed on non-critical capital expenditures during FY 2002 and the close-out of several other completed capital projects.)

The School Board will request Council to appropriate its \$226,970.00 share of project cost at a future date.

Mr. Dowe offered the following ordinance:

(#36050-090302) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 372.)

Mr. Dowe moved the adoption of Ordinance No. 36050-090302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

MUNICIPAL BUILDING: The City Manager submitted a communication advising that replacement of the main roof, Municipal Building South, consists of removal of roofing materials and insulation (down to the structural deck) over the fourth and fifth floors mechanical room of Municipal Building South; and both areas are to be replaced with tapered insulation and a 60 mil EPDM roof membrane.

It was further advised that after proper advertisement, six bids were received on August 1, 2002, with John T. Morgan Sheet Metal Co., Inc., submitting the low bid, in the amount of \$125,893.00, and construction time of 45 consecutive calendar days.

It was stated that total funding for the project is \$127,500.00; additional funding in excess of the contract amount will be used for miscellaneous project expenses, including advertising, reproduction of contract documents and project contingency; and funding is available in Facilities Management, Account No. 001-440-4330-3057.

The City Manager recommended that Council accept the bid of John T. Morgan Sheet Metal Co., Inc., in the amount of \$125,893.00, with 45 consecutive calendar days of contract time; and that all other bids received by the City be rejected.

Mr. Dowe offered the following ordinance:

(#36051-090302) AN ORDINANCE accepting the bid of John T. Morgan Sheet Metal Co., Inc., for roof replacement of the fourth floor and the fifth floor mechanical room of the Municipal Building South, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 373.)

Mr. Dowe moved the adoption of Ordinance No. 36051-090302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

INSURANCE-CITY EMPLOYEES-SCHOOLS: The City Manager submitted a communication advising that dental insurance for government and school employees has been provided by Delta Dental Plan of Virginia to the Roanoke Valley Consortium (RVC) since 1998; plan participants within the RVC for dental coverage include the City of Roanoke, Roanoke County Government, Roanoke County Schools and the Roanoke Regional Airport; and at the direction of participating members of RVC, Palmer & Cay Consulting Group (PCCG) solicited competitive proposals for the dental plan.

It was further advised that of the 11 carriers that received the request for proposals, the following four proposals were received and evaluated by PCCG: carriers were CIGNA, Delta Dental, MetLife and United Concordia; increased premium rates for coverage initially ranged from 4.7 per cent to 23 per cent; CIGNA and MetLife were eliminated due to pricing and plan design; and United Concordia's proposal offered an additional orthodontia benefit, but its overall dental network was limited and the orthodontia benefit would significantly increase costs in future years.

It was explained that Palmer and Cay Consulting Group recommends that the Roanoke Valley Consortium renew the contract with Delta Dental Plan of Virginia which includes a rate increase of 4.4 per cent, effective January 1, 2003, with rate caps of five per cent for 2004 and six per cent for 2005; the recommendation has been reviewed with the Employee Benefits Committee which concurred in the recommendation; funding adopted within existing departmental accounts as part of the fiscal year 2003 budget process is available to cover anticipated departmental costs for the remainder of the fiscal year; and future budget adoption procedures will provide funding for years beyond fiscal year 2003.

The City Manager recommended that Council approve renewal of the contract with Delta Dental Plan of Virginia.

Mr. Dowe offered the following resolution:

(#36052-090302) A RESOLUTION authorizing the execution of a contract and related documents with Delta Dental Plan of Virginia to provide group dental insurance for employees of the City and members of their families.

(For full text of Resolution, see Resolution Book No. 66, page 375.)

Mr. Dowe moved the adoption of Resolution No. 36052-090302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-WATER RESOURCES: The City Manager submitted a communication advising that bids were received on July 1, 1999, to properly remove, transport and dispose of lagooned bio-solids by land application; and Robinson Pipe Cleaning Co. submitted the low bid of \$84.47 per dry ton, with a minimum of 10,000 dry tons and a maximum of 12,000 dry tons, commencing October 1, 1999.

It was further advised that in the one year contract, the City reserved the right to extend the contract each year for up to a total of five years; the contract has been extended by the City twice, most recently from October 1, 2000, through September 30, 2001, at a unit price of \$87.57 per dry ton; Robinson Pipe Cleaning Co. agreed to continue its 2000-2001 cost per dry ton of \$87.57 for the 2001-2002 contract year

from October 1, 2001 to September 30, 2002, and the City extended the contract for an additional year; the quantity of bio-solids for the 2001-2002 year was for 8,000 dry tons minimum to 10,000 dry tons maximum, a reduction of 2,000 dry tons from the 2000-2001 year extension, which was due to administrative cost saving measures at the Water Pollution Control Plant; and the City now wishes to extend the contract to a fourth year, from October 1, 2002 to September 30, 2003, with an increase in the cost per dry ton based on the June 2002 Philadelphia Office Consumer Price Index, as provided in the contract.

It was stated that the third amendment to the contract with Robinson Pipe Cleaning Co. will be at a unit price per dry ton of \$89.66, with a minimum of 8,000 dry tons, or \$717,280.00; and a maximum of 10,000 dry tons, or \$896,600.00; base contract will be for 8,000 dry tons, with additional tonnage up to the 10,000 dry tons maximum being approved monthly by administrative change order; and funding is available in Sewage Fund Administration - Fees for Professional Services, Account No. 003-510-3150-2010 for fiscal year 2003, with fiscal year 2004 funding to be provided during the annual budget process in the same account.

The City Manager recommended that she be authorized to enter into an amendment for a one year extension from October 1, 2002 through September 30, 2003, of the contract with Robinson Pipe Cleaning Co. to remove and properly dispose of a minimum of 8,000 dry tons and a maximum of 10,000 dry tons of lagooned bio-solids from the existing five lagoons at the Water Pollution Control Plant, at a unit price of \$89.66 per dry ton, with the cost of 8,000 minimum dry tons to be \$717,280.00 and 10,000 maximum dry tons at \$896,600.00.

Mr. Dowe offered the following ordinance:

(#36053-090302) AN ORDINANCE authorizing execution of an amendment extending for an additional term of one year a contract with Robinson Pipe Cleaning Co. for removing, transporting and disposing of digested lagooned bio-solids from the City's Water Pollution Control Plan; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 376.)

Mr. Dowe moved the adoption of Ordinance No. 36053-090302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS-BUDGET: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of July, 2002.

There being no questions and without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES:

BONDS/BOND ISSUES-SCHOOLS: A communication from George J. A. Clemo, Attorney, representing the Roanoke City Public Schools, advising that in October, 2001, at the request of the Roanoke City School Board, Council adopted Resolution No. 35606-101801 authorizing the School Board to rehabilitate the present school building at Lincoln Terrace Elementary School, authorizing an application to be filed with the Virginia Department of Education seeking an allocation of authority to issue qualified zone academy bonds ("QZABs") to finance a portion of the rehabilitation, and authorizing publication of a notice of public hearing to be held in connection with the proposed bond issuance; however, after extensive inquiry, the school system was at that time unable to find a buyer for the bond; and consequently, the public hearing, which was scheduled for November 5, 2001, was withdrawn from the Council's docket, was before the body.

It was further advised that under applicable rules, the preliminary allocation by the Virginia Department of Education of \$800,000.00 in qualified zone academy bond issuance authority to the project was carried over to the year 2002; additionally, upon further inquiry, it appears that the Bank of America is prepared to purchase the proposed qualified zone academy bond; accordingly, the Roanoke City Schools request that Council again authorize publication of notice of public hearing on the proposed bond issuance, to be held at the Tuesday, October 15, 2002, meeting, and immediately following the public hearing, adoption by Council of a resolution approving final details of the bond and its issuance is requested.

Mr. Dowe offered the following resolution:

(#36054-090302) A RESOLUTION (i) stating the intent of the City of Roanoke, Virginia (the "City) to issue "qualified zone academy bonds" and other debt obligations to finance the rehabilitation, repair and/or equipping of the present school building at Lincoln Terrace Elementary School; and (ii) authorizing and directing publication of a notice of public hearing to be held in connection with the proposed qualified zone academy bond issuance.

(For full text of Resolution, see Resolution Book No. 66, page 377.)

Mr. Dowe moved the adoption of Resolution No. 36054-090302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL-NATIONAL LEAGUE OF CITIES: Mr. Cutler offered the following resolution designating William H. Carder as Voting Delegate and M. Rupert Cutler as Alternate Voting Delegate for the Annual Business Meeting of the National League of Cities to be held on Saturday, December 7, 2002, in Salt Lake City, Utah:

(#36055-090302) A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Meeting of the National League of Cities.

(For full text of Resolution, see Resolution Book No. 66, page 379.)

Mr. Cutler moved the adoption of Resolution No. 36055-090302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

SPECIAL EVENTS: Council Member Carder, Chair, Taste of the Blue Ridge Blues and Jazz Festival, presented tee-shirts and information regarding activities which will be held on September 13-15, 2002.

DECEASED PERSONS: Council Member Wyatt called attention to the death of Mr. Terrance Tootoo, a member of the Roanoke Express hockey team, on Thursday, August 29, 2002. She advised that a memorial service will be held at the Roanoke Civic Center on Wednesday, September 4, 2002, and asked that a proclamation in memory of Mr. Tootoo be presented by the Mayor's Office.

FIRE DEPARTMENT: Council Member Cutler congratulated the City of Roanoke Fire Department upon achieving national accreditation by the Commission on Fire Accreditation International, Inc.

TRAFFIC-ROANOKE NEIGHBORHOOD PARTNERSHIP: Council Member Cutler advised that the Roanoke Neighborhood Partnership Steering Committee will host a presentation by Ian Lockwood, Senior Transportation Engineer for Glatting Jackson Kercher Anglin Lopez Rinehart, Inc., with regard to traffic calming, on Thursday, September 19, 2002, at 6:30 p.m., at the Lucy Addison Middle School Auditorium.

SPECIAL EVENTS: The Mayor called attention to a tribute to Don Reno and Red Smiley, former citizens of Roanoke who were influential in country music, on September 14, 2002. For more information regarding the event, he encouraged that citizens telephone the Mayor's Office.

DECEASED PERSONS: Council Member Dowe called attention to the death of Ms. Grace Taubman, a long time resident of the City of Roanoke, and asked that the Taubman family be remembered in prayer.

DIRECTOR OF FINANCE-OATHS OF OFFICE-CITY CLERK-CITY ATTORNEY-MUNICIPAL AUDITOR: The Mayor advised that the two year terms of office of William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Troy A. Harmon, Municipal Auditor; and Mary F. Parker, City Clerk, will expire on September 30, 2002.

Ms. Wyatt moved that William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Troy A. Harmon, Municipal Auditor; and Mary F. Parker, City Clerk, be reappointed for terms of two years, each, commencing October 1, 2002 and ending September 30, 2004. The motion was seconded by Mr. Carder and unanimously adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

TRAFFIC-COMPLAINTS: Mr. Leon Whitmer, 106 Trinkle Avenue, N. E., presented a petition signed by 102 citizens requesting removal of signs that prohibit left turns on Williamson Road, Preston Avenue, Trinkle Avenue and Christian Avenue between the hours of 9:00 p.m. and 3:00 a.m. He referred to a suggestion offered by an interested citizen that teenagers violating the no left turn signs and the no trespassing signs be given a ticket and required to attend court with their parent and/or guardian, and that they be required to provide a certain number of hours of community service on a weekend, in lieu of paying a cash fine.

Council Member Wyatt advised that the goal of Council is to solve the problem of cruising on Williamson Road and not create more problems for the community. She stated that the City of Roanoke is willing to look at ways to address the cruising issue and to balance competing neighborhood, business and community needs.

Council Member Carder advised that the City of Roanoke has placed a “band aid” on the situation and needs to review the root causes of the problem. He referred to the Williamson Road Corridor Plan that addresses many of the issues of Williamson Road in terms of traffic calming and how to slow down traffic to the point where cruising is no longer a fun activity. He stated that the challenge is: what is Williamson Road supposed to be as a community, how to move forward with traffic calming, and how to make Williamson Road more pedestrian friendly and eliminate cruising.

The City Manager advised that the City of Roanoke took the least offensive approach to cruising, as recommended by the Streets and Traffic Division and the Police Department, by installing no left turn signs and no trespassing signs. She concurred in Mr. Carder’s comment with regard to the need to address the problem and not the symptoms. She stated that a number of young people who cruise in the City of Roanoke are not residents of the City, but come from outlying areas, therefore, the region needs to look at developing alternate outlays for activities for young people on weekends.

TAXES: Mr. Ralph Hayes, 2132 Carver Avenue, N. E., addressed the tobacco tax, and advised that the tobacco tax is bad for the economy and some citizens cannot afford to pay the additional tax. He inquired as to how funds derived from tobacco settlements and the lottery have been used.

CITY MANAGER COMMENTS:

WATER RESOURCES: The City Manager advised that the Governor has declared a drought emergency throughout the Commonwealth of Virginia and has imposed a number of restrictions on localities; however, it is not anticipated that there will be additional restrictions on residents of the City of Roanoke at this time due to previous restrictions authorized by Council. She advised that the new Muse Spring well is on line and operating as of this afternoon.

DECEASED PERSONS-ACTS OF ACKNOWLEDGEMENT: The City Manager called attention to numerous activities which have been planned for citizens of the community on September 11 in memory of the events and those persons who lost their lives on September 11, 2001.

(At this point Vice-Mayor Harris left the meeting.)

At 3:05 p.m., the Mayor declared the meeting in recess to be reconvened in Closed Session in the Council's Conference Room.

At 3:30 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, with the exception of Mayor Smith, Vice-Mayor Harris and Council Member Wyatt.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler and Dowe-----4.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

(Mayor Smith and Council Member Wyatt were not in the Council Chamber when the vote was recorded.)

COMMITTEES-SPECIAL EVENTS: The Mayor advised that the term of office of Wanda E. English as a member of the Special Events Committee expired on June 30, 2002, and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of Wanda E. English.

There being no further nominations, Ms. English was reappointed as a member of the Special Events Committee, for a term ending June 30, 2003, by the following vote:

FOR MS. ENGLISH: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY: The Mayor advised that the terms of office of William D. Bestpitch and Elizabeth A. Neu as members of Virginia's First Regional Industrial Facilities Authority, will expire on September 24, 2002, and called for nominations to fill the vacancies.

Mr. Carder placed in nomination the name of William D. Bestpitch and Elizabeth A. Neu.

There being no further nominations, Mr. Bestpitch and Ms. Neu were reappointed as members of Virginia's First Regional Industrial Facilities Authority, for terms ending September 24, 2006, by the following vote:

FOR MR. BESTPITCH AND MS. NEU: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Fair Housing Board created by the resignation of Bruce L. Robinson and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of Raymond Debose, Jr.

There being no further nominations, Mr. Debose was appointed as a member of the Fair Housing Board, for a term ending March 31, 2003, by the following vote:

FOR MR. DEBOSE: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-TRAFFIC: The Mayor advised that there is a vacancy on the City of Roanoke Transportation Safety Commission to fill the unexpired term of Jerry W. Caldwell, ending October 31, 2004, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Ben A. Burch, III.

There being no further nominations, Mr. Burch was appointed as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004, by the following vote:

FOR MR. BURCH: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

COMMITTEES-WAR MEMORIAL: The Mayor advised that there is a vacancy on the War Memorial Committee (City Manager's designee), and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Philip C. Schirmer.

There being no further nominations, Mr. Schirmer was appointed as a member of the War Memorial Committee, for a term ending June 30, 2003, by the following vote:

**FOR MR. SCHIRMER: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt
and Mayor Smith-----6.**

(Vice-Mayor Harris was absent.)

**There being no further business, the Mayor declared the meeting adjourned
at 3:35 p.m.**

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
